REMARKS

Request for Withdrawal of Finality

In the Office Action of January 18, 2005, a new ground of rejection was presented. Specifically claims 1-5, 9, 10, and 18 were rejected as being anticipated in view of the previously cited Goto et al. (US '182) reference. At the end of the Office Action, it was stated that applicants' amendment necessitated the new ground of rejection.

However, applicants' amendment of November 5, 2004, added additional features to claim 1. Thus, this amendment could not have necessitated the new anticipation rejection. In other words, the anticipation rejection could have been made previously, i.e., before applicants added additional features to claim 1.

Therefore, withdrawal of the finality of the January 18, 2005 Office Action is respectfully requested.

Allowable Subject Matter

Applicants gratefully acknowledge the Examiner's indication that claim 17 recites allowable subject matter. See page 10 of the Office Action.

Amendments

The specification is amended to correct the typographical error at page 17 and to insert references to new Figure 15, which is being submitted in response to the Drawing Objection.

Claims 1, 12, and 13 are amended to correct obvious typographical errors. Claim 17 is amended to be in independent form. Claims 19 and 20 are amended to correct an obvious typographical error, namely the omission of the term "width," and to enclose reference numerals within parentheses. These amendments do not change the scope of claims 1, 12, 13, 17, 19 and 20.

Process claim 11 is amended to be consistent with apparatus claim 1. Thus, claim 11 now recites that flow through the passages of the first and second component areas is rectilinear over the height of the heat exchanger core, and each of the first and second component areas

extends over only part of the width of the heat exchanger core. This amendment does not necessitate further search and/or consideration by the Examiner since the features added to claim 11 have already been considered in connection with the examination of claim 1.

Entry of the amendments is respectfully requested.

Drawing Objection

The drawings are objected to on grounds that the feature recited in claim 17, that the component areas extend over only part of the width of the heat exchanger core and over only part of the depth of the heat exchanger core, is not illustrated. To address this matter applicants submit herewith new Figure 15 which is the same as Figure 13 except that distributors 31, 41, and 51 are each divided into two distributors 31A and 31B, 41A and 41B, and 51A and 51B, and distributors 32, 42, and 52 are each divided into two distributors 32A and 32B, 42A and 42B, and 52A and 52B.

Approval of the proposed new drawing and withdrawal of the drawing objection is respectfully requested.

Objection to the Specification

The specification is amended to correct the typographical error at page 17. Withdrawal of the objection is respectfully requested.

Claim Objection

Claims 19 and 20 are amended above so that reference numerals 9 and 70 are enclosed within parentheses. Withdrawal of the objection is respectfully requested.

Rejection under 35 USC §1112, second paragraph

As noted above, claims 19 and 20 are amended to correct a typographical error. Specifically, claims 19-20 are amended to recite that heat exchanger core (9) is subdivided along its width by separating sheets (70). See, e.g., page 18, lines 1-3. Withdrawal of the rejection

under 35 USC §112 is respectfully requested.

Rejection under 35 USC §102(b) in view of Goto et al.

Claims 1-5, 9, 10, and 18 are rejected as allegedly being anticipated in view of Goto et al. (US 5,979,182). This rejection is respectfully traversed.

In the rejection it is alleged that Goto et al. in Figure 5 discloses a heat exchanger having component areas that extend over only a portion of the width of the heat exchanger core. Applicants disagree.

The dimensions of height, depth and width are described at page 4 of applicants' specification. Thus, the extension of the heat exchanger core in the direction perpendicular to the separating plates is referred to as the depth of the heat exchange core. The extension of the heat exchanger core in the flow direction is the height of the heat exchanger. Finally, the direction in the plane of the separating plates and perpendicular to the main flow direction is the width.

Figure 5 in Goto et al. shows a heat exchanger which is divided along its **depth,** i.e., in the direction perpendicular to the separating plates, providing two component areas both labeled HE. In other words, the in Figure 5 of Goto e al. the vertical direction represents the height, the horizontal direction represents the depth, and the width extends in the direction perpendicular to the plane of the paper. As discussed at column 8, lines 3-12 of Goto et al., Figure 5 illustrates an embodiment which longitudinally is divided into two areas. That is there are two areas HE, each of which extends longitudinally (along the height of the heat exchanger), but the division is made along the depth of the heat exchanger (the direction perpendicular to the separating plates), not the width.

In view of the above remarks, it is respectfully submitted that Goto et al. fails to anticipate applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

Rejection under 35 USC §102(b) in view of "admitted prior art"

Claims 11-16 are again rejected as allegedly being anticipated in view of the "admitted prior art." This rejection is respectfully traversed.

The "admitted prior art" referred to in the rejection are applicants' Figure 1-4. These

Figures do not illustrate an embodiment having first and second component areas containing heat exchange passages wherein flow through the passages is rectilinear over the height of the heat exchanger core. As shown, the heat exchange passages within the distribution/collection zones 39, 49, 59 exhibit changes in flow direction. See, also, page 12, lines 15-16.

Also, these Figures do not illustrate an embodiment having first and second component areas which each extend over only part of the width of the heat exchanger core.

In view of the above remarks, it is respectfully submitted that the so-called "admitted prior art" fails to anticipate applicants' claimed invention. Withdrawal of the rejection under 35 USC §102(b) is respectfully requested.

Rejection under 35 USC §103(a) in view of "admitted prior art" and Goto et al.

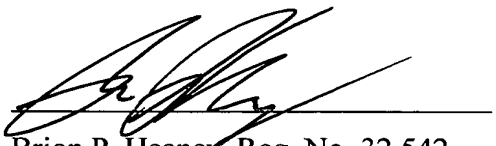
Claims 1 and 6-8 are rejected as allegedly being obvious in view of "admitted prior art" in combination with Goto et al. (US 5,979,182). This rejection is also respectfully traversed.

Regarding the admitted prior art, see the discussion of applicants' Figures 1-4 above. In the rejection, it is asserted that Figure 5 of Goto et al. discloses a heat exchanger having component areas that extend over only a portion of the width of the heat exchanger core. However, as discussed above, Figure 5 in Goto et al. shows a heat exchanger which is divided along its depth, not along its width. Moreover, these asserted motivation for modifying the "admitted prior art" is that it would "create a simpler design." But, it is unclear how such a design would be simpler since one would need to provide some means to divide the heat exchanger core along its width.

In view of the above remarks, it is respectfully submitted that the so-called "admitted prior art", alone or in combination with US '182, fails to render obvious applicants' claimed invention as recited in claims 2-4 and 7-9. Withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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